

## Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-01 INR-07  
L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15  
USIA-06 TRSE-00 DHA-02 IO-13 /073 W  
-----270632Z 007207 /17

R 261450Z APR 77  
FM AMEMBASSY PRAGUE  
TO SECSTATE WASHDC 2538  
INFO AMEMBASSY BELGRADE  
AMEMBASSY BERLIN  
AMEMBASSY BONN  
AMEMBASSY BUCHAREST  
AMEMBASSY BUDAPEST  
AMEMBASSY THE HAGUE  
AMEMBASSY HELSINKI  
AMEMBASSY LONDON  
AMEMBASSY MOSCOW  
AMEMBASSY OSLO  
AMEMBASSY PARIS  
AMEMBASSY ROME  
AMEMBASSY SOFIA  
AMEMBASSY STOCKHOLM  
AMEMBASSY VIENNA  
AMEMBASSY WARSAW  
USMISSION NATO  
AMCONSUL MUNICH  
USUN NEW YORK 551  
USMISSION BERLIN

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E.O. 11652: N/A  
TAGS: PFOR, PINT, SHUM, CSCE, CZ  
SUBJECT: CHARTER 77 SUFFERS ANOTHER SETBACK

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REF PRAGUE 0897

1. SUMMARY: A COURT RULING APRIL 25 AGAINST CHARTER 77  
SIGNATORY ZDENEK MLYNAR HAS SET THE STAGE FOR FURTHER LEGAL ACTION  
AGAINST CHARTER 77 GROUP. VIRTUAL PARALYSIS OF LEADERSHIP AND  
LOSS OF CONSENSUS AMONG ACTIVISTS HAVE BROUGHT CHARTER 77 ACTIVITIES  
TO A MOMENTARY STANDSTILL. END SUMMARY.

2. REUTERS CORRESPONDENT ATTENDED TWO-AND-ONE-HALF HOUR LABOR COURT HEARING APRIL 25 IN WHICH A TRIBUNAL OF JUDGES UPHELD DISMISSAL OF ZDENEK MLYNAR, FORMER PARTY LEADER UNDER DUBCEK, FROM HIS POSITION AS AN ENTOMOLOGIST AT PRAGUE'S NATIONAL MUSEUM. COURT RULED THAT DISMISSAL, UNDER PARAGRAPH 53 OF LABOR CODE, WHICH PROVIDES FOR IMMEDIATE FIRING OF EMPLOYEE WHO HAS ENGAGED IN "CRIMINAL ACTIVITIES", WAS LEGAL. COURT REJECTED MLYNAR'S APPEAL AND QUOTED PROSECUTOR TO EFFECT THAT CHARTER 77 WAS "AN ACTIVITY AGAINST THE SOCIETY AND THE STATE." NOTE: REGIME SPOKESMEN HAVE GENERALLY AVOIDED SAYING THAT SIGNING CHARTER 77 WAS AN ILLEGAL ACT. DEPUTY FOREIGN MINISTER SPACIL AND OTHERS HAVE REPEATEDLY SAID THAT IT WAS NOT. PROSECUTORS ARGUMENT APPEARS TO REST ON THE OPPOSITE VIEW, I.E., THAT CHARTER 77 ACTIVITY, EITHER SIGNING IT OR PERHAPS ORGANIZING IT, IS "CRIMINAL" ENOUGH TO WARRANT DISMISSAL FROM WORK. END NOTE.

2. MLYNAR, DESCRIBED AS NERVOUS, BUT IN CONTROL OF HIMSELF WHILE SPEAKING TO THE COURT, DENIED THAT THE VERSION OF THE CHARTER HE HAD SIGNED CONSTITUTED ANTI-STATE ACTIVITY. HE ASKED THAT THE CHARTER HE WAS ACCUSED OF SIGNING BE READ IN COURT AS EVIDENCE. REQUEST--PREDICTABLY--WAS DENIED. MLYNAR ALSO REPORTEDLY WAS DENIED HIS REQUEST TO CALL WITNESSES TO HIS DEFENSE.

3. COMMENT: COURT RULING UPHOLDING DISMISSAL OF MLYNAR FROM HIS JOB AT NATIONAL MUSEUM APPEARS TO SET A PRECEDENT WHICH BODES ILL FOR OTHER CHARTER 77 SIGNERS. PREVIOUS ARRESTS, HARASSMENT AND DETENTIONS FOR QUESTIONING HAVE NOT BEEN LINKED--TECHNICALLY--TO CHARTER 77, BUT HAVE BEEN CARRIED OUT UNDER OTHER PRETEXTS LIMITED OFFICIAL USE

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BASED ON VIOLATIONS OF LOCAL LAW. RULING AGAINST MLYNAR CONTAINS THE PREMISE THAT CHARTER 77 CONSTITUTED AN ILLEGAL ACTIVITY PER SE. BY UPHOLDING MLYNAR'S DISMISSAL UNDER A SECTION OF LAW THEY CAN POINT TO, PROSECUTORS APPEAR TO BE STEPPING UP THEIR ATTACKS ON THE LEGALITY OF CHARTER 77 ITSELF. BUT BY MEANS OF DISMISSALS FROM WORK, BASED ON MLYNAR PRECEDENT, REGIME COULD THEORETICALLY DENY EMPLOYMENT TO ANY CHARTER SIGNER, THOUGH WE DOUBT WHOLESAL DISMISSALS ARE CONTEMPLATED. WITH THE "LEGISLATIVE APPROVAL" GIVEN APRIL 5 BY JOINT SESSION OF FEDERAL ASSEMBLY (REFTEL), AND NOW THE MLYNAR "PRECEDENT," JUDICIAL ORGANS HAVE TOOLS THEY NEED TO PROCEED AS REGIME DESIRES. WE EXPECT REGIME TO DIFFERENTIATE ITS APPROACH TOWARDS SIGNERS, AIMING TO DIVIDE AND CONQUER. END COMMENT.

4. MLYNAR'S RUMORED EMIGRATION TO AUSTRIA (REFTEL), HAS NOT TAKEN SHAPE YET, REPORTEDLY BECAUSE MLYNAR HAS MADE HIS VOLUNTARY DEPARTURE CONTINGENT UPON HIS HAVING THE RIGHT TO REENTER CZECHOSLOVAKIA AFTER GOING TO AUSTRIA, A CONDITION FEW

OBSERVERS HERE BELIEVE GOC WILL ACCEDE TO. WE ANTICIPATE  
MLYNAR WILL SHORTLY ARGUE HIS COURT CASE IN SAMIZDAT.

5. ALL INDICATIONS ARE THAT CHARTER 77 GROUP LOST ITS  
MOMENTUM IN WAKE OF DEATH OF JAN PATOCKA. ONE SOURCE HAS  
TOLD US THAT SEVERAL VERSIONS OF ANOTHER CHARTER 77 STATEMENT  
HAVE BEEN CIRCULATING IN DRAFT, BUT THAT CONSENSUS DOES NOT  
EXIST. SAME SOURCE TOLD US THAT LOSS OF PATOCKA WAS CRIPPLING  
SIMPLY BECAUSE HE HIMSELF BROUGHT SUCH ENERGY AND ABILITY TO THE  
CAUSE. FUTURE ACTION BY THE CHRTER 77 GROUP SEEMS UNLIKELY  
WHILE POLICE SURVEILLANCE OF MAJOR FIGURES -- AMOUNTING IN SOME  
CASES TO VIRTUAL HOUSE ARREST -- CONTINUES. IT HAS BEEN  
SAID ALSO THAT CHARTER GOURP PERCEIVES A WANING OF WESTERN  
INTEREST IN HUMAN RIGHTS STRUGGLE HERE, ESPECIALLY BY THE  
EURO-COMMUNISTS, AND THUS WILL BIDE TIME, PERHAPS IN HOPES OF  
STIRRING SOME RENEWED INTEREST ON EVE OF JUNE BELGRADE  
CSCE FOLLOW-UP MEETING.  
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## Message Attributes

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